

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/88/2025

RAJENDRA KUMAR RATHI
VS
JOY PRAKASH LAW AND ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date : February 2, 2026.

Appearance:

Mr. Debdeep Sinha, Adv.

Mr. Dipta Dipak Banerjee, Adv.

...for the appellant.

Mr. Sarvapriya Mukherjee, Adv.

Mr. Nilay Sengupta, Adv.

Mrs. Ritaja Mukherjee, Adv.

Ms. Sunanda Samanta, Adv.

...for respondent no. 1.

Mr. Biswajit Kumar, Adv.

Mr. Aayush Lakhotia, Adv.

...for respondent nos. 2 & 3.

The Court: Appeal is at the behest of a defendant in CS/61/2024.

Learned Advocate appearing for the appellant submits that, the appellant is a lessee in respect of an immovable property. According to him, the lease deed permits the appellant to induct sub-lessees which the appellant did. He submits that, the appellant should be permitted to deal with the immovable property concerned, during the pendency of the suit, in terms of the earlier order of injunction passed on February 11, 2020 in GA/1032/2019.

Respondent no. 1 in the present appeal is represented.

Respondent nos. 2 and 3 are also represented.

Court is informed that the trial of the suit is in progress.

In respect of the same suit, there subsist two orders of injunction. Apparently, two portions of the immovable property are concerned in the suit. In respect of one of the portions, there is an order dated February 11, 2020. Such order permits the respondent no. 2 or 3 herein or the appellant also, to obtain prior leave of the Court to deal with such property.

The order impugned is an absolute order of injunction, restraining the appellant from dealing with the immovable property concerned.

We clarify that, the appellant may approach the relevant Court with a request for permission to deal with the immovable property, upon notice to the respondents herein, if so required.

APO/88/2025 is disposed of accordingly, without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)